

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
WACO DIVISION**

APPLIANCE COMPUTING III, INC.  
d/b/a SURFIELD

Plaintiff,

v.

REDFIN CORPORATION,

Defendant.

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Case No. 6:20-cv-00376-ADA

**DEFENDANT REDFIN CORPORATION'S ANSWER TO COMPLAINT**

**I. NATURE OF THE ACTION**

1. Redfin admits that the complaint concerns allegations of infringement of United States Patent Nos. 9,836,885; 10,102,673; 10,510,111; and 10,592,973. Redfin denies all other allegations of Paragraph 1.

**II. PARTIES**

2. Redfin is without sufficient information to admit or deny the allegations of Paragraph 2, and on that basis, Redfin denies all allegations of Paragraph 2.

3. Redfin admits that it is a corporation organized and existing under the laws of the State of Delaware. Redfin admits that it maintains a place of business at 4030 West Braker Lane, Building 5, Suite 510, Austin, Texas 78759. Redfin admits that National Registered Agents, Inc., 1990 Bryan Street, Suite 900, Dallas, Texas 75201-3136 is its registered agent for service of process in the State of Texas. Redfin denies all other allegations of Paragraph 3.

**III. JURISDICTION AND VENUE**

4. Redfin admits the factual allegations of Paragraph 4.

5. Redfin denies that it resides in the Western District of Texas. Redfin denies that it has “committed acts of infringement in this judicial district.” Redfin admits that it maintains regular places of business in the Western District of Texas. Redfin denies all other allegations of Paragraph 5 that it has not specifically admitted.

6. Redfin admits that it has places of business in Austin, Texas; San Antonio, Texas; Frisco, Texas; and Houston, Texas. Redfin denies all other allegations of Paragraph 6.

#### **IV. FACTS**

##### **A. Redfin’s Founding**

7. Redfin is without sufficient information to admit or deny any allegation of Paragraph 7, and on that basis, Redfin denies all allegations of Paragraph 7.

8. Redfin is without sufficient information to admit or deny any allegation of Paragraph 8, and on that basis, Redfin denies all allegations of Paragraph 8.

9. Redfin is without sufficient information to admit or deny any allegation of Paragraph 9, and on that basis, Redfin denies all allegations of Paragraph 9.

10. Redfin admits that in July 2006 Redfin received the Innovator of the Year award from Inman News. Redfin is without sufficient information to admit or deny any other allegation of Paragraph 10, and on that basis, Redfin denies all allegations of Paragraph 10 that it has not specifically admitted.

##### **B. David Eraker’s Intellectual Property Contributions To Redfin**

11. Redfin admits the allegations of Paragraph 11.

12. Redfin is without sufficient information to admit or deny any allegation of Paragraph 12, and on that basis, Redfin denies all allegations of Paragraph 12.

13. Redfin admits the allegations of Paragraph 13.

14. Redfin is without sufficient information to admit or deny any allegation of Paragraph 14, and on that basis, Redfin denies all allegations of Paragraph 14.

15. Redfin is without sufficient information to admit or deny any allegation of Paragraph 15, and on that basis, Redfin denies all allegations of Paragraph 15.

16. Redfin is without sufficient information to admit or deny any allegation of Paragraph 16, and on that basis, Redfin denies all allegations of Paragraph 16.

17. Redfin denies all allegations of Paragraph 17.

18. Redfin admits the allegations of Paragraph 18.

19. Redfin admits the allegations of Paragraph 19.

20. Redfin admits the allegations of Paragraph 20.

**C. Surefield's Patented 3D Rendering Technology**

21. Redfin is without sufficient information to admit or deny any allegation of Paragraph 21, and on that basis, Redfin denies all allegations of Paragraph 21.

22. Redfin is without sufficient information to admit or deny any allegation of Paragraph 22, and on that basis, Redfin denies all allegations of Paragraph 22.

23. Redfin is without sufficient information to admit or deny any allegation of Paragraph 23, and on that basis, Redfin denies all allegations of Paragraph 23.

24. Redfin is without sufficient information to admit or deny any allegation of Paragraph 24, and on that basis, Redfin denies all allegations of Paragraph 24.

25. Redfin is without sufficient information to admit or deny any allegation of Paragraph 25, and on that basis, Redfin denies all allegations of Paragraph 25.

26. Redfin admits that Mr. Eraker is stated as a named inventor of United States Patent No. 9,836,885. Redfin admits that Mr. Eraker is stated as a named inventor of United

States Patent No. 10,102,673. Redfin admits that Mr. Eraker is stated as a named inventor of United States Patent No. 10,510,111. Redfin admits that Mr. Eraker is stated as a named inventor of United States Patent No. 10,592,973. Redfin denies all other allegations of Paragraph 26.

27. Redfin admits that each of U.S. Patent Nos. 9,836,885; 10,102,673; 10,510,111; and 10,592,973 is entitled “Image-Based Rendering of Real Spaces.” Redfin denies all the claims of each of U.S. Patent Nos. 9,836,885; 10,102,673; 10,510,111; and 10,592,973 are valid. Redfin is without sufficient information to admit or deny any other allegation of Paragraph 27, and on that basis, Redfin denies all allegations of Paragraph 27 that it has not specifically admitted.

28. Each of the Patents-In-Suit speaks for itself. Redfin need not admit or deny the allegations of Paragraph 28.

29. Redfin admits that the specification of each of U.S. Patent Nos. 9,836,885; 10,102,673; 10,510,111; and 10,592,973 states “have not eliminated the need to physically go to the property to understand how it is laid out.” Redfin admits that the specification of each of U.S. Patent Nos. 9,836,885; 10,102,673; 10,510,111; and 10,592,973 states “without physically visiting the property to look at it, the property can only be seen from the viewpoint of the photographer and the lack of spatial navigation.” Redfin denies all allegations of Paragraph 29 that it has not specifically admitted.

30. Redfin denies all allegations of Paragraph 30.

31. Redfin admits that the specification of each of U.S. Patent Nos. 9,836,885; 10,102,673; 10,510,111; and 10,592,973 states “in an attempt to allow the viewer to have more control over what he can observe, some real estate websites have used panorama cameras to take

panoramic photos of the properties.” Redfin admits that the specification of each of U.S. Patent Nos. 9,836,885; 10,102,673; 10,510,111; and 10,592,973 states “the location of the viewpoint [was] still restricted to the location at which the panorama photo was taken.” Redfin denies all allegations of Paragraph 31 that it has not specifically admitted.

32. Redfin is without sufficient information to admit or deny any allegation of Paragraph 32, and on that basis, Redfin denies all allegations of Paragraph 32.

33. Redfin admits that the ‘885 patent has 18 claims, of which claims 1 and 10 are independent claims. Redfin denies all allegations of Paragraph 33 that it has not specifically admitted.

34. Redfin denies all allegations of Paragraph 34.

35. Redfin denies all allegations of Paragraph 35.

36. Redfin denies all allegations of Paragraph 36

37. Redfin denies all allegations of Paragraph 37.

38. Redfin denies all allegations of Paragraph 38.

39. Redfin denies all allegations of Paragraph 39.

40. Redfin denies all allegations of Paragraph 40.

41. Redfin denies all allegations of Paragraph 41.

42. Redfin admits that Paragraph 42 accurately quotes a portion of claim 1 of the ‘885 patent. Redfin denies all allegations of Paragraph 42 that it has not specifically admitted.

43. Redfin admits that the ‘673 patent has 19 claims, of which claims 1, 10, and 13 are independent claims. Redfin denies all allegations of Paragraph 43 that it has not specifically admitted.

44. Redfin admits that Paragraph 44 accurately quotes a portion of claim 1 of the ‘673 patent. Redfin denies all allegations of Paragraph 44 that it has not specifically admitted.

45. Redfin admits that Paragraph 45 accurately quotes a portion of claim 1 of the ‘673 patent. Redfin denies all allegations of Paragraph 45 that it has not specifically admitted.

46. Redfin admits that Paragraph 46 accurately quotes a portion of claim 1 of the ‘673 patent. Redfin denies all allegations of Paragraph 46 that it has not specifically admitted.

47. Redfin admits that Paragraph 47 accurately quotes a portion of claim 1 of the ‘673 patent. Redfin denies all allegations of Paragraph 47 that it has not specifically admitted.

48. Redfin admits that Paragraph 48 accurately quotes a portion of claim 1 of the ‘673 patent. Redfin denies all allegations of Paragraph 48 that it has not specifically admitted.

49. Redfin denies all allegations of Paragraph 49.

50. Redfin denies all allegations of Paragraph 50.

51. Redfin denies all allegations of Paragraph 51.

52. Redfin admits that the ‘111 patent has 23 claims, of which claims 1 and 18 are independent claims. Redfin denies all allegations of Paragraph 52 that it has not specifically admitted.

53. Redfin admits that Paragraph 53 accurately quotes a portion of claim 1 of the ‘111 patent. Redfin denies all allegations of Paragraph 53 that it has not specifically admitted.

54. Redfin admits that Paragraph 54 accurately quotes a portion of claim 1 of the ‘111 patent. Redfin denies all allegations of Paragraph 54 that it has not specifically admitted.

55. Redfin admits that Paragraph 55 accurately quotes a portion of claim 1 of the ‘111 patent. Redfin denies all allegations of Paragraph 55 that it has not specifically admitted.

56. Redfin denies all allegations of Paragraph 56.

57. Redfin admits that Paragraph 57 accurately quotes a portion of claim 1 of the ‘111 patent. Redfin denies all allegations of Paragraph 57 that it has not specifically admitted.

58. Redfin admits that the ‘973 patent has 23 claims, of which claims 1 and 18 are independent claims. Redfin denies all allegations of Paragraph 58 that it has not specifically admitted.

59. Redfin admits that Paragraph 59 accurately quotes a portion of claim 1 of the ‘973 patent. Redfin denies all allegations of Paragraph 59 that it has not specifically admitted.

60. Redfin admits that Paragraph 60 accurately quotes a portion of claim 1 of the ‘973 patent. Redfin denies all allegations of Paragraph 60 that it has not specifically admitted.

61. Redfin admits that Paragraph 61 accurately quotes a portion of claim 1 of the ‘973 patent. Redfin denies all allegations of Paragraph 61 that it has not specifically admitted.

62. Redfin admits that Paragraph 62 accurately quotes a portion of claim 1 of the ‘973 patent. Redfin denies all allegations of Paragraph 62 that it has not specifically admitted.

63. Redfin admits that Paragraph 63 accurately quotes a portion of claim 1 of the ‘973 patent. Redfin denies all allegations of Paragraph 63 that it has not specifically admitted.

64. Redfin admits that Paragraph 64 accurately quotes a portion of claim 1 of the ‘973 patent. Redfin denies all allegations of Paragraph 64 that it has not specifically admitted.

65. Redfin denies all allegations of Paragraph 65.

66. Redfin denies all allegations of Paragraph 66.

**D. Redfin’s [Alleged] Willful Infringement of the Patents-in-Suit**

67. Redfin denies the allegations of Paragraph 67.

68. Redfin denies all allegations of Paragraph 68.

69. Redfin denies all allegations of Paragraph 69.

70. Redfin is without sufficient information to admit or deny any allegation of Paragraph 70, and on that basis, Redfin denies all allegations of Paragraph 70.

71. Redfin denies all allegations of Paragraph 71.

72. Redfin admits that it received notice of the Patents-In-Suit as of service of the Complaint. Redfin denies all allegations of Paragraph 72 that it has not specifically admitted.

## **V. CAUSES OF ACTION**

### **Cause of Action No. 1: [Alleged] Infringement of the ‘885 Patent by Redfin**

73. Redfin admits and denies all allegations of Paragraphs 1 – 72 of the Complaint as it admitted or denied such allegations in Paragraphs 1 – 72.

74. Redfin denies all allegations of Paragraph 74.

75. Redfin denies all allegations of Paragraph 75.

76. Redfin denies all allegations of Paragraph 76.

77. Redfin denies all allegations of Paragraph 77.

78. Redfin denies all allegations of Paragraph 78.

### **Cause of Action No. 2: [Alleged] Infringement of the ‘673 Patent by Redfin**

79. Redfin admits and denies all allegations of Paragraphs 1 – 78 of the Complaint as it admitted or denied such allegations in Paragraphs 1 – 78.

80. Redfin denies all allegations of Paragraph 80.

81. Redfin denies all allegations of Paragraph 81.

82. Redfin denies all allegations of Paragraph 82.

83. Redfin denies all allegations of Paragraph 83.

84. Redfin denies all allegations of Paragraph 84.



**Cause of Action No. 3: [Alleged] Infringement of the ‘111 Patent by Redfin**

85. Redfin admits and denies all allegations of Paragraphs 1 – 84 of the Complaint as it admitted or denied such allegations in Paragraphs 1 – 84.

86. Redfin denies all allegations of Paragraph 86.

87. Redfin denies all allegations of Paragraph 87.

88. Redfin denies all allegations of Paragraph 88.

89. Redfin denies all allegations of Paragraph 89.

90. Redfin denies all allegations of Paragraph 90.

**Cause of Action No. 4: [Alleged] Infringement of the ‘973 Patent by Redfin**

91. Redfin admits and denies all allegations of Paragraphs 1 – 90 of the Complaint as it admitted or denied such allegations in Paragraphs 1 – 90.

92. Redfin denies all allegations of Paragraph 92.

93. Redfin denies all allegations of Paragraph 93.

94. Redfin denies all allegations of Paragraph 94.

95. Redfin denies all allegations of Paragraph 95.

96. Redfin denies all allegations of Paragraph 96.

**VI. JURY DEMAND**

97. Paragraph 97 does not contain an allegation requiring a response by Redfin.

**VII. PRAYER FOR RELIEF**

Redfin denies that Plaintiff is entitled to any relief in this action, including, but not limited to, any of the requested relief.

## **AFFIRMATIVE DEFENSES**

### **Non-Infringement**

1. Redfin has not infringed any claim of U.S. Patent No. 9,836,885.
2. Redfin has not infringed any claim of U.S. Patent No. 10,102,673.
3. Redfin has not infringed any claim of U.S. Patent No. 10,510,111.
4. Redfin has not infringed any claim of U.S. Patent No. 10,592,973.

### **Invalidity**

5. One or more claims of U.S. Patent No. 9,836,885 are invalid under one or more of 35 U.S.C. sections 101, 102, or 103.
6. One or more claims of U.S. Patent No. 10,102,673 are invalid under one or more of 35 U.S.C. sections 101, 102, or 103.
7. One or more claims of U.S. Patent No. 10,510,111 are invalid under one or more of 35 U.S.C. sections 101, 102, or 103.
8. One or more claims of U.S. Patent No. 10,592,973 are invalid under one or more of 35 U.S.C. sections 101, 102, or 103.
9. One or more claims of U.S. Patent No. 9,836,885 are invalid under one or more of 35 U.S.C. sections 112.
10. One or more claims of U.S. Patent No. 10,102,673 are invalid under one or more of 35 U.S.C. sections 112.
11. One or more claims of U.S. Patent No. 10,510,111 are invalid under one or more of 35 U.S.C. sections 112.
12. One or more claims of U.S. Patent No. 10,592,973 are invalid under one or more of 35 U.S.C. sections 112.

**Estoppel**

13. Plaintiff's legal claims are barred in whole or in part by the doctrine of estoppel. By way of example, and without limitation, Plaintiff is estopped under the doctrines of prosecution history estoppel and/or prosecution history disclaimer, due to amendments of the claims of the asserted patents and/or related patents and/or arguments presented to the patent examiner during examination of the applications that issued as the asserted patents and/or related patents, from (1) asserting any construction of the claims of the asserted patents such that they would read on any product, system, or method of Redfin, or (2) extending the coverage of the claims of the asserted patents under the doctrine of equivalents such that they would read upon any product, system, or method of Redfin.

**PRAYER FOR RELIEF**

WHEREFORE, Redfin prays for relief against Plaintiff as follows:

- A. That the Court determine that Redfin has not infringed any claim of United States Patent Nos. 9,836,885; 10,102,673; 10,510,111; and 10,592,973.
- B. That the Court determine that the claims of United States Patent Nos. 9,836,885; 10,102,673; 10,510,111; and 10,592,973 are invalid under one or more of 35 U.S.C. sections 101, 102, 103, 112.
- C. Dismissal of the Complaint with prejudice.
- D. An award to Redfin of its costs.
- E. A finding that, pursuant to 35 U.S.C. § 285 and/or other applicable laws, Plaintiff's conduct in commencing and pursuing this action renders this an exceptional case and an award to Redfin of its attorneys' fees incurred in this action.

F. That Plaintiff take nothing by way of its complaint.

G. Such other and further relief granted to Redfin as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

In accordance with Rule 38 of the Federal Rules of Civil Procedure, Redfin respectfully demands a jury trial of all issues in this action triable to a jury.

Dated: June 25, 2020

Respectfully submitted,

/s/ J. Thad Heartfield

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*Attorneys for Defendant  
Redfin Corporation*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on June 25, 2020, a true and correct copy of the foregoing document was caused to be served on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(b)(1).

Dated: June 25, 2020

/s/ J. Thad Heartfield  
J. Thad Heartfield